

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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GS HOLISTIC, LLC,

No. 2:22-cv-2037 WBS DB

Plaintiff,

v.

ORDER GRANTING LEAVE TO FILE  
AMENDED COMPLAINT

NITIKA, INC d/b/a SMOKE  
PARADISE 707, NITIKA  
DADHWAL, GURPREET  
DADHWAL, and JEFFREY LEE,

Defendants.

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Plaintiff GS Holistic, LLC moves for leave to amend the operative complaint. A party seeking amendment must show that the amendment is proper under Rule 15, see Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 608 (9th Cir. 1992). (citations omitted), under which leave to amend should be given "freely . . . when justice so requires," Fed. R. Civ. P. 15(a) (2). Leave should only be denied if amendment (1) would cause prejudice to the opposing party, (2) is sought in bad faith, (3) would create

1       undue delay, or (4) is futile. Chudacoff v. Univ. Med. Ctr. of  
2 S. Nev., 649 F.3d 1143, 1152 (9th Cir. 2011) (citation omitted).  
3       "[I]f a court finds that good cause exists, it should then deny a  
4 motion for leave to amend only if such amendment would be  
5 futile." J & J Sports Prods., Inc. v. Maravilla, 2:12-cv-2899  
6 WBS EFB, 2013 WL 4780764, at \*1 (E.D. Cal. Sept. 5, 2013).

7                 Plaintiff seeks leave to amend for the sole purpose of  
8 substituting in Abdo Alghazali as the correct named individual  
9 defendant in place of the current individual defendants, and  
10 Unlimited Smoke and Vape Paradise d/b/a Smoke Paradise as the  
11 correct corporate defendant in place of the current corporate  
12 defendant. (See Mot. at 2 (Docket No. 28); Proposed Amended  
13 Complaint (Docket No. 28-2).) It does so on the grounds that it  
14 only recently learned the identities of the appropriate  
15 defendants. (See Mot. at 3.)

16                 The originally named defendants have not filed an  
17 opposition, and the deadline to do so has passed. See L.R. 230.  
18 Further, default has been entered against defendants other than  
19 Abdo Alghazali and Unlimited Smoke and Vape Paradise d/b/a Smoke  
20 Paradise because they failed to respond to the complaint. (See  
21 Docket Nos. 16, 18.) Accordingly, good cause appearing, and  
22 because it does not appear that the proposed amendment would be  
23 futile, plaintiff's motion will be granted. See Johnson, 975  
24 F.2d at 609; J & J Sports Prods., 2013 WL 4780764, at \*1.

25                 IT IS THEREFORE ORDERED that plaintiff's motion for  
26 leave to file an amended complaint (Docket No. 28) be, and the  
27 same hereby is, GRANTED. Plaintiff is directed to file the  
28 proposed amended complaint attached to the motion (Docket No. 28-

1 2) within ten days of the issuance of this Order. The hearing on  
2 plaintiff's motion set for September 18, 2023 is hereby VACATED.

3 || Dated: September 1, 2023

William W. Schubert

WILLIAM B. SHUBB  
UNITED STATES DISTRICT JUDGE